

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

OCTROO 0016-US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

TO BE ASSIGNED **10/542120**INTERNATIONAL APPLICATION NO.  
**PCT/EP2004/000151**INTERNATIONAL FILING DATE  
**JANUARY 12, 2004**PRIORITY DATE CLAIMED  
**JANUARY 10, 2003**

## TITLE OF INVENTION

**COMPOSITIONS AND METHODS FOR IMPROVING THE CONDITION OF PATIENTS SUFFERING FROM COPD AND OTHER DISEASES**

## APPLICANT(S) FOR DO/EO/US

**ENGELLEN, Marielle P., K., J., DEUTZ, Nicolaas, E., P., SCHOLS, Annemie, M., W., J. and WOUTERS, Emiel, F., M.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 279578575 US**
23. ☒ Other items or information:

**Transmittal re Statement of Priority**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |  |   |   |                   |
|--|--------------|--|---|---|-------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/542120</b><br><b>TO BE ASSIGNED</b>   |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/EP2004/000151</b>              |   | ATTORNEY'S DOCKET NUMBER<br><b>OCTROO 0016-US</b> |                   |
| 24. The following fees are submitted:  |              |  |   | Applicant use                                     | Office use        |
|  |              |  |   |   |                   |
| <input checked="" type="checkbox"/> a) Basic national fee .....  |              | \$300.00   |   | \$  | \$300.00          |
| <input checked="" type="checkbox"/> b) Examination fee .....   |              | \$200.00   |   | \$  | \$200.00          |
| <input checked="" type="checkbox"/> c) Search fee .....  |              | \$500.00   |   | \$  | \$500.00          |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              | <b>\$1000.00</b>   |   | \$  | <b>\$1,000.00</b> |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |  |   |   |                   |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) |   | RATE  |                   |
| - 100 =  | /50 =        |  |   | x \$250.00  | \$ \$0.00         |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |   | \$  |                   |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE  |   |                   |
| Total claims   | 11 - 20 =    | 0  | x \$50.00 \$ \$0.00   |   |                   |
| Independent claims   | 4 - 3 =      | 1  | x \$200.00 \$ \$200.00  |   |                   |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>   |              |  | + \$360.00 \$ \$0.00  |   |                   |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |  |   | \$  | <b>\$1,200.00</b> |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |   | \$  | <b>\$600.00</b>   |
| <b>SUBTOTAL =</b>  |              |  |   | \$  | <b>\$600.00</b>   |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |   | \$  | <b>\$0.00</b>     |
| <b>TOTAL NATIONAL FEE =</b>  |              |  |   | \$  | <b>\$600.00</b>   |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |   | \$  | <b>\$0.00</b>     |
| <b>TOTAL FEES ENCLOSED =</b>   |              |  |   | \$  | <b>\$600.00</b>   |
| Amount to be refunded:   |              |  |   |   | \$                |
| Amount to be charged:  |              |  |   |   | \$                |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>\$600.00</b> to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____<br>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>11-0171</b> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. |              |  |   |   |                   |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</b>  |              |  |   |   |                   |
| SEND ALL CORRESPONDENCE TO:<br>William D. Schmidt, Esq.<br>Kalow & Springut LLP<br>488 Madison Avenue<br>19th Floor<br>New York, New York 10022  |              |  | July 11, 2005 <i>William D. Schmidt</i><br>SIGNATURE<br>William D. Schmidt, Esq.<br>NAME<br>39,492<br>REGISTRATION NUMBER |   |                   |